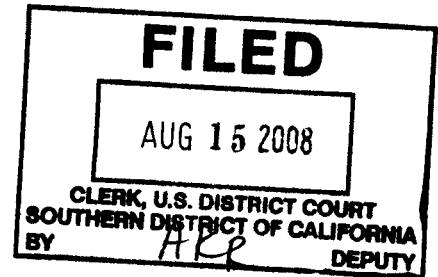


BRIAN P. FUNK CSB#110462
964 FIFTH AVE STE. #214
SAN DIEGO CA. 92101
Phone: (619)233-4076
____ Retained (X) ____ Appointed



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TRIAL JUDGE HON. MARYLIN HUFF Court reporter: NANCY CABLAY

UNITED STATES OF AMERICA,) No.08CR7008-H Criminal

)
(UNITED STATES OF AMERICA)
Appellee) Plaintiff)

vs.) NOTICE OF APPEAL (CRIMINAL)
SELVIN ALBERTO ALLEN _____)
(Appellant/) Defendant)

Notice is hereby given that SELVIN ALBERTO ALLEN ,
defendant above-named, hereby appeals to the United States Court of Appeals for the
Ninth Circuit from
the (check one) () final judgment (Fed. R. Crim. P. 32(d))
() sentence only (18 U.S.C. §3742) Sentence imposed
(X) order (describe) SUPERVISED RELEASE REVOCATION

entered in this proceeding on the 11TH day of AUGUST2008.

If government appeal: Was the filing of this appeal approved in accordance with 18
U.S.C. §3742(b)(4)?

____ Yes ____ No

Dated: 8/15/2008

Signature S/A BRIAN P. FUNK*

Transcripts Required** X Yes ____ No Date Ordered or To Be Ordered [ALL]

Date (XX) Indictment () Information Filed JUNE 5, 2007

Bail Status IN CUSTODY

Will there be a request to expedite the appeal and set a schedule faster than that normally
set? __XX__ No

(Note: This does not alleviate requirement of filing a motion to expedite which must be
done in accordance

with FRAP 27).

AO 245D (Rev. 3/01) Judgment in a Criminal Case for Revocations
Sheet 1

FILED
2008 AUG 12 AM 9:31

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
UNITED STATES DISTRICT COURT

SOUTHERN

District of

DEPUTY

CALIFORNIA

UNITED STATES OF AMERICA
V.

ALBERTO ALLAN-SELVIN (1)
aka Selvin Alberto Allen

JUDGMENT IN A CRIMINAL CASE
(For Revocation of Probation or Supervised Release)
(For Offenses Committed On or After November 1, 1987)

Case Number: 08CR7008-H

BRIAN P. FUNK

Defendant's Attorney

REGISTRATION No. 60042-097



THE DEFENDANT:

☒ admitted guilt to violation of allegation(s) No. 1 and 2.

☐ was found in violation of allegation(s) No. _____ after denial of guilt.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following allegation(s):

Allegation Number

Nature of Violation

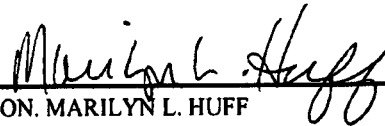
- | | |
|---|---|
| 1 | Committed a federal, state or local offense (nv1) |
| 2 | Illegal entry into United States (nv35) |

Supervised Release is revoked and the defendant is sentenced as provided in pages 2 through 2 of this judgment.
This sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

AUGUST 11, 2008

Date of Imposition of Sentence


HON. MARILYN L. HUFF
UNITED STATES DISTRICT JUDGE

08CR7008-H

AO 245B (Rev. 9/00) Judgment in Criminal Case
Sheet 2 — Imprisonment

Judgment — Page 2 of 2

DEFENDANT: ALBERTO ALLAN-SELVIN (I)
CASE NUMBER: 08CR7008-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of
TWENTY-ONE MONTHS to run concurrent with the imprisonment imposed in 07CR1434-H.

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____
as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By

DEPUTY UNITED STATES MARSHAL

08CR7008-H

MIME-Version:1.0
From:efile_information@casd.uscourts.gov
To:casd.uscourts.gov
Bcc:bfunkesq@cs.com, bfunkesq@sbcglobal.net, Andrew.Schopler@usdoj.gov,
Glory.Rascon@usdoj.gov, efile.dkt.gc1@usdoj.gov, efile_Huff@casd.uscourts.gov
Message-Id:<2765649@casd.uscourts.gov>
Subject:Activity in Case 3:08-cr-07008-H USA v. Allan-Selvin Supervised Release -
Final Revocation Hrg
Content-Type: text/html

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.'**

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered on 8/11/2008 at 4:16 PM PDT and filed on 8/11/2008

Case Name: USA v. Allan-Selvin

Case Number: 3:08-cr-7008

Filer:

Document Number: 6(No document attached)

Docket Text:

Minute Entry for proceedings held before Judge Marilyn L. Huff:Revocation of Supervised Release as to Alberto Allan-Selvin held on 8/11/2008. Govt Witness Marc Ryan called, sworn, and testified. Court finds that defendant is in violation of supervised release. Court further finds that this defendant is the same person as in 07cr1434-H. Court revokes supervised release. Sentencing held on 8/11/2008 for Alberto Allan-Selvin (1). Custody of the Bureau of Prisons for a term of 21 months to run concurrent with 07cr1434-H. (Court Reporter ECR Nancy Cablay).(Plaintiff Attorney Andrew Schopler).(Defendant Attorney Brian Funk). (tlm)

3:08-cr-7008-1 Notice has been electronically mailed to:

Brian P Funk bfunkesq@cs.com, bfunkesq@sbcglobal.net

Andrew G Schopler Andrew.Schopler@usdoj.gov, Glory.Rascon@usdoj.gov, efile.dkt.gc1@usdoj.gov

3:08-cr-7008-1 Notice has been delivered by other means to:

MIME-Version:1.0
From:efile_information@casd.uscourts.gov
To:casd.uscourts.gov
Bcc:Andrew.Schopler@usdoj.gov,bfunkesq@cs.com,bfunkesq@sbcglobal.net,efile.dkt.gc1@usdoj.gov,,Leticia.Granada@usdoj.gov,efile_Huff@casd.usco
Message-Id:<1990919@casd.uscourts.gov>
Subject:Activity in Case 3:07-cr-01434-H USA v. Allen "Initial Appearance"
Content-Type: text/html

*****NOTE TO PUBLIC ACCESS USERS*** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

**U.S. District Court
Southern District of California**

Notice of Electronic Filing

The following transaction was received from mnb, entered on 6/8/2007 at 11:33 AM PDT and filed on 6/6/2007

Case Name: USA v. Allen

Case Number: 3:07-cr-1434

Filer:

Document Number: 6

Docket Text:

Minute Entry for proceedings held before Magistrate Judge Barbara Lynn Major :Initial Appearance as to Selvin Alberto Allen held on 6/6/2007. Arraignment as to Selvin Alberto Allen (1) Count 1,2 held on 6/6/2007. Not Guilty plea entered. Attorney Brian P Funk for Selvin Alberto Allen appointed. Bond set as to Selvin Alberto Allen (1) \$30,000 C/CS. Motion Hearing/Trial Setting set for 7/9/2007 02:00 PM in Courtroom 13 before Judge Marilyn L. Huff. Court directs counsel to contact Judge Huff's chambers for a sooner date if necessary.(Tape #BLM07-146-146; 148-154).(Plaintiff Attorney Tracy Cody, AUSA).(Defendant Attorney Tim Garrison, FD and Brian Funk). (mnb,)

The following document(s) are associated with this transaction:

3:07-cr-1434-1 Notice will be electronically mailed to:

Brian P Funk bfunkesq@cs.com, bfunkesq@sbcglobal.net

Andrew G Schopler Andrew.Schopler@usdoj.gov, efile.dkt.gc1@usdoj.gov, ; Leticia.Granada@usdoj.gov

3:07-cr-1434-1 Notice will be delivered by other means to:

Notice of Appeal Notification Form

To: Clerk, U.S. Court of Appeals
From: U.S. District Court, Southern District of California
Subject: New Appeals Case Information & Docket Fee Notification

Date: 8/18/2008

Case Information

Case Title: United States of America v. Alberto Allan-Selvin
 U.S.D.C. No.: 08cr7008-H U.S.D.C. Judge: Marilyn L. Huff
 Complaint/Indictment/Petition Filed: Transfer of Jurisdiction for Supervision of Releasee Alberto Allan-Selvin
 Appealed Order Entered: 8/12/2008
 Notice of Appeal Filed: 8/15/2008
 Court Reporter: Nancy Cablay

COA Status: ☐ Granted in full/part (appeal only) ☐ Denied (send clerk's file)

Docket Fee Notification

Docket Fee: ☐ Paid ☐ Not Paid ☒ No Fee Required

USA/GOVT. APPEAL: ☐ Yes ☒ No

Date F/P granted (Show Date and Attach Copy of Order): _____

Was F/P Status Revoked? ☐ Yes ☐ No

Companion Case(s): (Please list consolidated cases, if applicable) 02cr998, S.D. Texas, Laredo Division

Counsel Information

Appellant Counsel:

Brian P Funk
 Law Office of Brian P Funk
 964 Fifth Avenue
 Suite 214
 San Diego, CA 92101
 (619)233-4076

Appellee Counsel:

Andrew G Schopler
 U S Attorneys Office Southern District of CA
 Criminal Division
 880 Front Street
 Room 6293
 San Diego, CA 92101
 (619)557-5610

(Filed Motion for New Counsel on Appeal contemporaneously).

Counsel Status: ☐ Retained ☒ Appointed ☐ Pro Se

Appointed by: Mag. Judge Barbara Lynn Major - see NEF Minutes in USDC Case No. 07cr1434
 (Attach copy of order/minutes)

Defendant InformationPrisoner ID Number: 60042-097

Bail: _____

Custody: x**SERVICE LIST**

Counsel for Appellant(s) and Appellee(s), as listed on the previous page, have been sent copies of the following items:

x	Transmittal of U.S.C.A. (Appellant and Appellee)
x	Case Information/Docketing Fee Notification Form. (Appellant Only)
x	Notice of Appeal. (Appellant, Appellee, U.S. District Judge, USPO, and Court Reporter)
x	Docket Entries (Appellant and Appellee)
x	Designation of Reporter's Transcript and Ordering Form. (Appellant Only, mailed separately)
x	Order for Time Schedule. (Criminal Only) (Appellant, Appellee, and Court Reporter)
	Magistrate Judge's Report and Recommendation
	COA Order
	F/P Order
	Minute Order
x	Other: Judgment, entered 8/12/2008; NEF Sentencing Minutes, entered 8/11/2008; NEF Minutes appointing Brian P. Funk as counsel for Defendant Alberto Allan-Selvin in case 07cr1434, entered 6/8/2007.

Form Completed And Documents Served By U.S. District Court Deputy Clerk:

Angela Rowland

Deputy's Name

A Rowland

Deputy's Signature

UNITED STATES DISTRICT COURT

Southern District Of California
Office Of The Clerk
880 Front Street, Room 4290
San Diego, California 92101-8900
Phone: (619) 557-5600
Fax: (619) 702-9900

W. Samuel Hamrick, Jr.
Clerk of Court

To: Clerk, U.S. Court of Appeals
P.O. Box 193939
San Francisco, CA 94119-3939

Re: **USCA No:**
USDC No: 08cr7008-H
USA v. Allan-Selvin

Clerk, U.S. Court of Appeals, enclosed herewith you will please find:

x	Copy of the Notice of Appeal	x	Docket Entries
x	Case Information/Docket Fee Payment Notification Form		
x	Order for Time Schedule (Criminal)		
	Original Clerk's Record in	set(s) of	volume(s).
	Reporter's transcript's transcripts in	set(s) of	volume(s).
	Exhibits in	envelope(s)	box(es) folders(s)
x	Judgement Order		F/P Order
	CJA Form 20		Minute Order
	Certificate of Record		Mandate Return
	Magistrate Judge's Report and Recommendation		
	COA Order		
	Amended docket fee notification form		
	Order Appointing Counsel for Appeal		
x	NEF Sentencing Minutes, entered 8/11/2008; NEF Minutes appointing Brian P. Funk as counsel for Defendant Alberto Allan-Selvin in case 07cr1434, entered 6/8/2007.		
x	Please acknowledge on the enclosed copy of this transmittal		

Sincerely yours,

W. Samuel Hamrick, Jr.
Clerk of Court

By: Angela Rowland
Angela Rowland, Deputy

Date: 8/18/2008